

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24111 of 2006

27.11.2006

Between:

Bollina Nageswar Rao, S/o.Venkata Subbaiah

... Petitioner

AND

The District Collector, Krishna at Machilipatnam

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24111 of 2006

ORDER:

The petitioner was assigned land admeasuring Acs.2.12 in R.S.No.146/4 situated in Surepalli village of Musunuru Mandal in Krishna District. He allegedly developed the land and cultivating the same, after obtaining electricity service connection No.65. He alleges that at the behest of vested interests in the village, the Revenue Authorities are taking steps to dispossess the petitioner highhandedly without due process of law and without paying compensation for the two bore wells and electric motors in the land. Therefore, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue (General-A), after getting instructions, submits that the petitioner did not bring the land under cultivation and that as the land is required for providing house sites, steps are being initiated to resume the land, after issuing notice to the petitioner and paying compensation to him. Even before such move is initiated, the petitioner filed the instant writ petition making all false allegations.

There is no denial that it is competent for the Government to resume the Government land for public purpose. Further, by doing so, as held by a Division Bench of this Court in **LAO-cum-RDO, Chevella Division, Domalaguda, Hyd v Mekala Pandu**^[1], the assignee whose land is resumed, is entitled for compensation as per the provisions of the Land Acquisition Act, 1894. This is not denied by the learned Assistant Government Pleader.

Therefore, the writ petition is disposed of, observing that unless and until the petitioner is issued notice and the objections made by him are considered, he cannot be dispossessed from the land. No costs.

(V.V.S.RAO, J)

November 27, 2006
YS

^[1] 2004 (2) ALD 451 (LB)